

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,

Plaintiff,

v.

CITY OF STOCKTON, et al.,

Defendants.

No. 2:20-cv-1178 KJM AC (PS)

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On August 26, 2020, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 4. Plaintiff has not filed objections to the findings and recommendations, which the court considers.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to file late opposition, ECF No. 6, construed as a motion to file late objections, is GRANTED;

4           2. The findings and recommendations filed August 26, 2020, ECF No. 4, are ADOPTED  
5 in full;

6           3. Plaintiff's request to proceed in forma pauperis, ECF No. 2, is GRANTED but that the  
7 complaint, ECF No. 1, is DISMISSED with prejudice as duplicative; and

8           4. The Clerk of Court is directed to close this case.

9 || DATED: March 24, 2021.

**CHIEF UNITED STATES DISTRICT JUDGE**